

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF GEORGIA  
DUBLIN DIVISION

U.S. DISTRICT COURT  
AUGUSTA DIV.

2023 FEB 13 P 3:13

KENTAVIUS EVANS,

Plaintiff,

v.

DOUGLAS WILLIAMS, Warden of  
Wheeler Correctional Facility,

Defendant.

CV 322-173

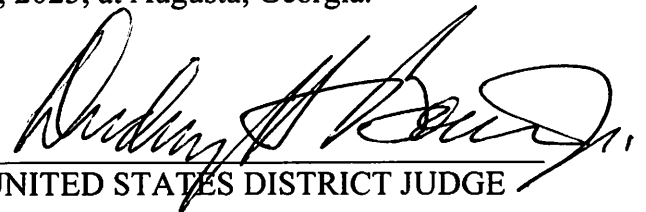
CLERK   
SO. DIST. OF GA.

**ORDER**

After a careful, *de novo* review of the file, the Court concurs with the Magistrate Judge's Report and Recommendation, to which objections have been filed. (Doc. no. 11.) The Magistrate Judge recommended dismissing the case without prejudice because Plaintiff failed to return his Prisoner Trust Fund Account Statement and Consent to Collection of Fees forms, both of which are necessary for all prisoners who wish to proceed *in forma pauperis* ("IFP"). (See doc. no. 9.) In his objections, Plaintiff complains that prison officials refuse to provide a signed and verified trust account statement. (Doc. no. 11.) Even if the Court were to accept Plaintiff's explanation that prison officials refuse to provide him with a trust account statement, there is no reason provided why he has not returned the Consent to Collection of Fees form, which requires only his signature. As the Magistrate Judge explained, "Plaintiff cannot proceed IFP unless he submits the requisite Trust Fund Account Statement and consents to collection of the entire \$350.00 filing fee in installments." (Doc. no. 9, p. 2 (citations omitted).)

Accordingly, the Court **OVERRULES** the objections, **ADOPTS** the Report and Recommendation of the Magistrate Judge as its opinion, **DISMISSES** this case without prejudice, and **CLOSES** this civil action.

SO ORDERED this 13<sup>th</sup> day of February, 2023, at Augusta, Georgia.

  
UNITED STATES DISTRICT JUDGE